

Michigan Department of Licensing and Regulatory Affairs
Office of Regulatory Reinvention
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**REGULATORY IMPACT STATEMENT
and
COST-BENEFIT ANALYSIS**

PART 1: INTRODUCTION

In accordance with the Administrative Procedures Act (APA) [1969 PA 306], the department/agency responsible for promulgating the administrative rules must complete and submit this form electronically to the Office of Regulatory Reinvention (ORR) no less than (28) days before the public hearing [MCL 24.245(3)-(4)]. Submissions should be made by the departmental Regulatory Affairs Officer (RAO) to **orr@michigan.gov**. The ORR will review the form and send its response to the RAO (see last page). Upon review by the ORR, the agency shall make copies available to the public at the public hearing [MCL 24.245(4)].

Please place your cursor in each box, and answer the question completely.

ORR-assigned rule set number:

2013-087 LR

ORR rule set title:

New and Existing Penal Facilities Fire Safety

Department:

LARA

Agency or Bureau/Division

Bureau of Fire Services

Name and title of person completing this form; telephone number:

Brian Williams 517 241 9371

Reviewed by Department Regulatory Affairs Officer:

Liz Arasim
Department of Licensing and Regulatory Affairs

PART 2: APPLICABLE SECTIONS OF THE APA

MCL 24.207a “Small business” defined.

Sec. 7a.

“Small business” means a business concern incorporated or doing business in this state, including the affiliates of the business concern, which is independently owned and operated and which employs fewer than 250 full-time employees or which has gross annual sales of less than \$6,000,000.00.”

MCL 24.240 Reducing disproportionate economic impact of rule on small business; applicability of section and MCL 24.245(3).

Sec. 40.

(1) When an agency proposes to adopt a rule that will apply to a small business and the rule will have a disproportionate impact on small businesses because of the size of those businesses, the agency shall consider exempting small businesses and, if not exempted, the agency proposing to adopt the rule shall reduce the economic impact of the rule on small businesses by doing all of the following when it is lawful and feasible in meeting the objectives of the act authorizing the promulgation of the rule:

(a) Identify and estimate the number of small businesses affected by the proposed rule and its probable effect on small businesses.

(b) Establish differing compliance or reporting requirements or timetables for small businesses under the rule after projecting the required reporting, record-keeping, and other administrative costs.

(c) Consolidate, simplify, or eliminate the compliance and reporting requirements for small businesses under the rule and identify the skills necessary to comply with the reporting requirements.

(d) Establish performance standards to replace design or operational standards required in the proposed rule.

(2) The factors described in subsection (1)(a) to (d) shall be specifically addressed in the small business impact statement required under section 45.

(3) In reducing the disproportionate economic impact on small business of a rule as provided in subsection (1), an agency shall use the following classifications of small business:

(a) 0-9 full-time employees.

(b) 10-49 full-time employees.

(c) 50-249 full-time employees.

(4) For purposes of subsection (3), an agency may include a small business with a greater number of full-time employees in a classification that applies to a business with fewer full-time employees.

(5) This section and section 45(3) do not apply to a rule that is required by federal law and that an agency promulgates without imposing standards more stringent than those required by the federal law.

MCL 24.245 (3) “Except for a rule promulgated under sections 33, 44, and 48, the agency shall prepare and include with the notice of transmittal a **regulatory impact statement** containing...” (information requested on the following pages).

[**Note:** Additional questions have been added to these statutorily-required questions to satisfy the **cost-benefit analysis** requirements of Executive Order 2011-5.]

MCL 24.245b Information to be posted on office of regulatory reinvention website.

Sec. 45b. (1) The office of regulatory reinvention shall post the following on its website within 2 business days after transmittal pursuant to section 45:

- (a) The regulatory impact statement required under section 45(3).
- (b) Instructions on any existing administrative remedies or appeals available to the public.
- (c) Instructions regarding the method of complying with the rules, if available.
- (d) Any rules filed with the secretary of state and the effective date of those rules.

(2) The office of regulatory reinvention shall facilitate linking the information posted under subsection (1) to the department or agency website.

PART 3: DEPARTMENT/AGENCY RESPONSE

Please place your cursor in each box, and provide the required information, using complete sentences. Please do not answer the question with “N/A” or “none.”

Comparison of Rule(s) to Federal/State/Association Standards:

(1) Compare the proposed rule(s) to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist. Are these rule(s) required by state law or federal mandate? If these rule(s) exceed a federal standard, please identify the federal standard or citation, and describe why it is necessary that the proposed rule(s) exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

These updated fire safety rules for penal facilities are required by the Michigan Fire Prevention Code, 1941 PA 207, section 29.3c (1).

The proposed rules do not have any parallel federal rules or standards.

(2) Compare the proposed rule(s) to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities. If the rule(s) exceed standards in those states, please explain why, and specify the costs and benefits arising out of the deviation.

The New and Existing Penal Facilities Fire Safety rules in Michigan adopt a nationally recognized code for fire safety. The new rule set will adopt the 2012 Life Safety Code, published by the National Fire Protection Association (NFPA). The state of Ohio has the Ohio Fire Code which adopts a nationally recognized code, the International Fire Code (IFC) 2009 edition. Wisconsin has adopted NFPA 1, 2012 edition as its Fire Code and adopts the International Building Code (IBC) 2009 edition for its building code. The State of Illinois, Office of the Illinois State Fire Marshal has adopted the 2000 edition of NFPA 101, Life Safety Code (LSC). These nationally recognized codes are very similar in the fire safety requirements, such as the requirements for fire alarm systems and automatic sprinkler systems. These rules have many similarities to the proposed updated penal facilities fire safety rules for Michigan.

The New and Existing Penal Facilities Fire Safety rules apply to state owned correctional facilities and county jails as described in Section 62 of the Corrections Code of 1953, 1953 PA 232, MCL 791.262. Excerpts from PA 232 include the definition of a “Jail” and a “State Correction Facility”.

- “Jail” means a facility that is operated by a local unit of government for the detention of persons charged with, or convicted of, criminal offenses or ordinance violations; persons found guilty of civil or criminal contempt; or a facility which houses prisoners pursuant to an agreement authorized under Act No. 164 of the Public Acts of 1861, being sections 802.1 to 802.21 of the Michigan Compiled Laws, for not more than 1 year.
- “State correctional facility” means a facility or institution maintained and operated by the department.

The New and Existing Penal Facilities Fire Safety rules will only apply to facilities that provide housing (sleeping) for inmates.

Illinois – Illinois currently has adopted and enforces the 2000 edition of the LSC. The website for the Office of the Illinois State Fire Marshall indicates that Illinois is in the process of updating to the 2012 edition of the LSC.

Ohio – Ohio currently has the Ohio Fire Code, IFC 2009. Ohio also has a set of rules for jails, titled Minimum Standards for Jails in Ohio. There are some requirements for fire drills:

The facility shall have a written fire safety plan approved by local fire officials, and that is reviewed annually and updated as needed. The plan shall include fire prevention, training and drills, fire response and post-fire documentation and review.

A current copy of the plan shall be maintained at the local fire department.

(1) Training in jail fire safety equipment shall be conducted annually.

(2) Fire drills shall be conducted every three months on each shift so that twelve drills are conducted annually.

Jail facility exits shall be clear and evacuation routes shall be posted or clearly marked throughout the facility.

Wisconsin – In Wisconsin they have a set of rules for prisons which includes a section on fire safety. The Department of Corrections, DOC 350:

DOC 350.19 Fire safety. The jail shall have policies and procedures relating to fire safety, including the following components:

(1) The facility conforms to applicable federal, state, and local fire safety codes.

(2) Each jail shall develop a fire safety policy in accordance with local fire department recommendations that addresses all of the following:

(a) Local fire department inspection requirements under sub. (5).

(b) Fire protection equipment location and maintenance. Each jail shall have and shall properly maintain fire alarms, smoke and thermal detectors, fire extinguishers, and self-contained breathing apparatuses which operate for at least 30 minutes.

(c) Training of staff in equipment use and the evacuation of inmates.

(d) A written evacuation plan.

(3) The evacuation route developed as part of the evacuation plan under sub. (2) (d) shall be posted in a conspicuous place for staff in the jail.

(4) Fire safety evacuation and other procedures shall be practiced or simulated by all jail staff at least once every 12 months. Each practice or simulation shall be documented.

(5) The facility shall be inspected by the local fire department at least once every 12 months and a record thereof shall be maintained.

(6) There shall be monthly inspections of the facility to ensure compliance with safety and fire prevention standards. Inspections shall be documented.

(7) After September 1, 2014, sprinkler heads accessible to inmates not under direct supervision must be tamper and suicide resistant.

(3) Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rule(s). Explain how the rule has been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

There are no federal or local rules that may conflict with the proposed rules. The Bureau of Construction Codes (BCC) promulgates the Michigan Building Code (MBC) per the Stille-Derossett-Hale Single State

Construction Code Act, Act 230 of 1972. The BCC also promulgates the Michigan Elevator Code and Electrical Code. At the state level, the MBC does have some overlap with the Penal Facilities Fire Safety rules. The Bureau of Fire Services (BFS) has coordinated, to the extent practicable, with the BCC to avoid and minimize conflicts between the two codes. The BCC was represented on the ad-hoc committee and provided recommendations where the two codes had conflicting requirements. Some amendments have been provided in the Penal Facilities Fire Safety rules to address these conflicts. As an example R 29.1708, section 9.4.2.1 was amended to match the language of the Michigan Elevator Code.

Purpose and Objectives of the Rule(s):

(4) Identify the behavior and frequency of behavior that the proposed rule(s) are designed to alter. Estimate the change in the frequency of the targeted behavior expected from the proposed rule(s). Describe the difference between current behavior/practice and desired behavior/practice. What is the desired outcome?

The proposed rules update to a much newer edition of the Life Safety Code. No current behaviors/practices have been identified as deficient that require the change to the rules. The adoption of these rules will require penal facilities that provide housing for inmates to be built meeting updated nationally recognized safety features. There are many similarities between the current rules and the proposed rules. The desired outcome of the proposed rules is to continue to provide safe buildings for existing penal facilities as well as providing the latest safety requirements for new penal facilities.

(5) Identify the harm resulting from the behavior that the proposed rule(s) are designed to alter and the likelihood that the harm will occur in the absence of the rule. What is the rationale for changing the rule(s) and not leaving them as currently written?

The harm that these rules are designed to prevent is the injury, due to fire or similar emergency, to staff and inmates in these correctional buildings. These rules are applicable to new and existing penal facilities. The likelihood that more fires and injuries would occur in these buildings is very high in the absence of these rules. The reason the rules are changing is to update the nationally recognized Life Safety Code standard to the 2012 edition from the 1997 edition.

(6) Describe how the proposed rule(s) protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

The proposed rules adopt the 2012 edition of the Life Safety Code. The Life Safety Code is a nationally recognized code standard used for the protection of health and safety of occupants in buildings. By adopting a national standard and amending it in certain sections to be compatible with the rules promulgated by the Bureau of Construction Codes, this rule set is the least burdensome alternative for those required to comply.

(7) Describe any rules in the affected rule set that are obsolete, unnecessary, and can be rescinded.

No portions of the existing rules are identified as obsolete or unnecessary.

Fiscal Impact on the Agency:

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, an increase in the cost of a contract, programming costs, changes in reimbursement rates, etc. over and above what is currently expended for that function. It would not include more intangible costs or benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

(8) Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings on the agency promulgating the rule).

There is no additional fiscal impact to the agency beyond the current operational cost.

(9) Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rule(s).

Funding for the enforcement of the New and Existing Penal Facilities Fire Safety rules comes from the plan review fees. These fees are established in the bureau's annual appropriations bill. The authority for the fees comes from PA 207 of 1941, as amended, Section 29.2c being MCL 29.2c. The proposed rules will not result in additional fiscal impact on the agency so the current year's appropriations bill will not be altered.

(10) Describe how the proposed rule(s) is necessary and suitable to accomplish its purpose, in relationship to the burden(s) it places on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts. So despite the identified burden(s), identify how the requirements in the rule(s) are still needed and reasonable compared to the burdens.

The purpose of the rules is to provide life safety for occupants in new or existing penal facilities which include county jails and state owned correctional buildings. These fire safety rules are applicable to buildings that are used for housing inmates (sleeping accommodations) in penal facilities. The rules adopt a nationally recognized standard that sets minimum code standards for life safety. The adoption of the Life Safety Code (LSC) provides a reasonable set of requirements necessary to accomplish the life safety in these buildings. For the most part, the LSC has been adopted with few amendments. Many of the sections that have been amended were created to lessen the burden on penal facilities.

For example, Section 22.7.7 was amended to lessen the burden of door inspections. The section requires that doors and door hardware in means of egress shall be inspected monthly and shall be documented. The Michigan Department of Corrections staff estimated that there are around 70,000 doors in correctional facilities that would require monthly inspection and documentation. At an estimate of 5 minutes per door this adds up to 5,833 man hours per month. Instead, the amendment states that doors and door hardware not in proper operating condition shall be repaired or replaced without undue delay. This will still account for fire safety without the need for monthly inspections of every door.

Another section of the code was added to provide a time schedule for raising or setting aside funds to provide automatic sprinkler systems in some existing penal facilities. Section 23.1.6.4 states, existing penal facilities that allow free egress, but have holding cells used for sleeping for a maximum of 3 occupants, shall be protected throughout by an approved, supervised automatic sprinkler system pursuant to Section 23.3.5. The penal facility or designated representative shall comply with this requirement within 5 years of the effective date of these rules. This added section addresses the small number of existing penal facilities that are not currently protected by a sprinkler system.

Impact on Other State or Local Governmental Units:

(11) Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions on other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Please include the cost of equipment, supplies, labor, and increased administrative costs, in both the initial imposition of the rule and any ongoing monitoring.

No other agency or governmental units are impacted by these rules.

(12) Discuss any program, service, duty or responsibility imposed upon any city, county, town, village, or school district by the rule(s). Describe any actions that governmental units must take to be in compliance with the rule(s). This section should include items such as record keeping and reporting requirements or changing operational practices.

Inspections, testing and maintenance of required life safety systems, such as fire alarm systems and automatic sprinkler systems, will continue as required by the current rules and, therefore, would not have any effect on State or local governmental units.

(13) Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rule(s).

There is no appropriation to state or local governmental units.

Rural Impact:

(14) In general, what impact will the rules have on rural areas? Describe the types of public or private interests in rural areas that will be affected by the rule(s).

The proposed rules affect the State of Michigan as a whole. The proposed rules will have no impacts either positive or negative for rural areas.

Environmental Impact:

(15) Do the proposed rule(s) have any impact on the environment? If yes, please explain.

The proposed rules do not have any impact on the environment

Small Business Impact Statement:

[Please refer to the discussion of "small business" on page 2 of this form.]

(16) Describe whether and how the agency considered exempting small businesses from the proposed rules.

The proposed rules will affect county jails and state correctional facilities.

(17) If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rule(s) on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rule(s) upon small businesses as described below (in accordance with MCL 24.240(1)(A-D)), or (b) the reasons such a reduction was not lawful or feasible.

The proposed rules will provide the same minimum level of life safety to all occupants in a housing penal facility independent of whether it is small or large.

(A) Identify and estimate the number of small businesses affected by the proposed rule(s) and the probable effect on small business.

Penal Facilities. There are 39 state penal facilities* and 81 county jails.

It is believed that none of these facilities meet the definition of a small business since they are owned/operated at the county or state level.

* Figure based on the Michigan Department of Corrections information posted on its website.

(B) Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rule after projecting the required reporting, record-keeping, and other administrative costs.

No different reporting requirements or administrative costs are established by these rules.

(C) Describe how the agency consolidated or simplified the compliance and reporting requirements and identify the skills necessary to comply with the reporting requirements.

The proposed rules have simplified the reporting requirements by eliminating the requirement to

document monthly door inspections. Basic administrative skills are necessary to comply with the reporting requirements.

(D) Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.

The 2012 Life Safety Code (LSC) allows the use of performance based options. Instead of requiring strict compliance with the code requirements, this option allows alternatives for life safety compliance. The LSC also has special provisions for renovations of existing buildings in Chapter 43 – Building Rehabilitation. This chapter addresses rehabilitation in existing buildings and also allows latitude when projects deal with repair, renovation, modification and reconstruction.

(18) Identify any disproportionate impact the proposed rule(s) may have on small businesses because of their size or geographic location.

No impacts are expected

(19) Identify the nature of any report and the estimated cost of its preparation by small business required to comply with the proposed rule(s).

There is an additional reporting requirement established by these proposed rules. There is a requirement for each administration of every penal facility to prepare an emergency plan. The emergency plan shall include procedures for the protection of all persons in the event of a fire. This plan only needs to be developed once, and many prisons and jails currently have one in place. The estimated cost for developing this plan is unknown due to many variables for each facility such as size, location, number of inmates and staffing levels.

The additional reporting requirements for door inspections have been amended. Refer to the discussion under Item #26.

(20) Analyze the costs of compliance for all small businesses affected by the proposed rule(s), including costs of equipment, supplies, labor, and increased administrative costs.

Since all facilities are held to the same standard a cost break-down for small business was not evaluated.

(21) Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rule(s).

No additional costs are associated with these rules.

(22) Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

All facilities are held to the same standard so no economic harm or advantage is present.

(23) Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

No additional costs for the agency would be incurred.

(24) Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

The proposed rules, along with other regulatory agency requirements at the state establish minimum requirements that are considered essential for life safety. Reduction of those requirements for small business would not be in the public interest.

(25) Describe whether and how the agency has involved small businesses in the development of the proposed rule(s). If small business was involved in the development of the rule(s), please identify the business(es).

Since these fire safety rules only effect county jails and state correctional facilities, the Bureau of Fire Services did not consider developing differences between small and large businesses.

Cost-Benefit Analysis of Rules (independent of statutory impact):

(26) Estimate the actual statewide compliance costs of the rule amendments on businesses or groups. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rule(s). What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

Penal facilities used for housing inmates will be directly affected by these rules. Counties with existing jails, the Michigan Department of Corrections, administrators, architects and engineers will be indirectly affected by these rules. The majority of the revisions to the newer edition of the Life Safety Code (LSC) either update existing requirements or clarify proposed requirements.

Rule amendments to lower costs:

Door Inspections – The new edition of the LSC requires door inspections in penal facilities. Doors in the means of egress shall be inspected annually and provided with a written report for each door. This item was discussed by the ad-hoc committee and determined that the costs associated with this requirement would pose an unnecessary hardship. The rules amended this requirement to remove the need for inspections and reports. Refer to Item 10 above for more details.

Rule amendments to reduce recordkeeping:

Door Inspections – As noted above this requirement has been amended from the new LSC in order to cut down on costs and on recordkeeping.

Updated Code Revisions:

2012 Life Safety Code Updates – The current rules have an amended construction table that lists the allowable stories for penal facilities. The newer rules will reference the construction table in the 2012 LSC without amendments. The 2012 LSC has new sections dealing with smoke tight partitions which weren't in the 1997 edition. Also in the 2012 LSC, there is a section dealing with egress from normally unoccupied building service equipment areas. When certain criteria are met, egress requirements are reduced for these areas that are unoccupied except for times of maintenance.

Rule amendments to help existing penal facilities to be in compliance:

Existing buildings – The current Penal Fire Safety Rules only apply to existing jails or prisons that have been remodeled or constructed since November 17, 1982. The proposed rules will apply to all existing jails and prison buildings that provide sleeping. Several code amendments have been added in order to limit the costs and any hardship for these existing older buildings that previously have not been subject to these rules. The amendments are based on the requirements set forth in the Michigan Department of Corrections Administrative Rules for Jails and Lockups. Refer to Public Act 102 of 1984. 23.1.6.3. Existing penal facilities built prior to November 17, 1982 shall be constructed of fire-resistive construction and not attached to a wooden building, except for penal facilities that house low security day-parole inmates, or for a multipurpose room. A building of combustible construction may be attached to a jail if both of the following apply:

(a) A 2-hour fire rated noncombustible separation is maintained between the buildings with a 90-minute fire rated door and no other openings allowed.

(b) An automatic smoke detection system is installed in the combustible building that activates an alarm

within a control center in case of fire.

23.1.6.4. Existing penal facilities that allow free egress, but have holding cells used for sleeping for a maximum of 3 occupants, shall be protected throughout by an approved, supervised automatic sprinkler system pursuant to Section 23.3.5. The penal facility or designated representative shall comply with this requirement within 5 years of the effective date of these rules.

23.2.3.2.1 For buildings that are not completely protected by an approved supervised automatic sprinkler system and built prior to November 17, 1982, corridors required for egress shall not be less than 60" in width.

23.3.5.2. Where required by section 23.1.6.1, facilities shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 23.3.5.3.

23.3.5.2.1. The requirement of section 23.3.5.2 does not apply to existing penal facilities built prior to November 17, 1982 and in compliance with Section 23.1.6.3.

23.3.8.1. The requirement of section 23.3.8 does not apply to existing penal facilities built prior to November 17, 1982 and in compliance with section 23.1.6.3.

23.4.3.1. The requirement of 23.4.3 does not apply to existing penal facilities built prior to November 17, 1982.

23.7.5.1. The requirement of 23.7.5 does not apply to existing penal facilities built prior to November 17, 1982.

Sprinkler protection – The proposed rules will apply to correctional occupancies that provide sleeping facilities for 1 or more residents. The existing rules applied to facilities providing sleeping for 4 or more residents. The proposed rules will apply to several Michigan Department of Corrections (MDOC) dormitories that have holding cells for up to 3 residents. These existing buildings are not currently protected by an automatic sprinkler system. The proposed rules have added a section that will allow up to 5 years to bring these facilities into compliance. This date was used based on the input from the MDOC members on the ad hoc committee.

“Existing penal facilities that allow free egress, but have holding cells used for sleeping for a maximum of 3 occupants, shall be protected throughout by an approved, supervised automatic sprinkler system pursuant to Section 23.3.5. The penal facility or designated representative shall comply with this requirement within 5 years of the effective date of these rules.”

(27) Estimate the actual statewide compliance costs of the proposed rule(s) on individuals (regulated individuals or the public). Please include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping). How many and what category of individuals will be affected by the rules? What qualitative and quantitative impact does the proposed change in rule(s) have on these individuals?

These rules do not have any effects at the individual level.

(28) Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rule(s).

No cost reductions are expected.

(29) Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rule(s). Please provide both quantitative and qualitative information, as well as your assumptions.

The proposed rules will have a direct benefit with architects and engineers who are involved with penal facility construction or renovation. The newer edition of the Life Safety Code (LSC) will allow the design professional to utilize updated code standards.

(30) Explain how the proposed rule(s) will impact business growth and job creation (or elimination) in Michigan.

No impacts on business growth or job creation are expected.

(31) Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

None.

(32) Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of a proposed rule(s) and a cost-benefit analysis of the proposed rule(s). How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., which demonstrate a need for the proposed rule(s).

The bureau relied upon the ad-hoc committee in determining which sections of the rules would adversely impact penal facilities related to costs and recordkeeping.

Information in regard to the other states such as Illinois, Ohio and Wisconsin were found by searching their governmental websites.

The cost factors involved for the annual door inspections and report were based on figures provided by the Michigan Department of Corrections ad hoc committee members. They provided the approximate number of doors in penal facilities and the approximate time to complete an inspection and report.

Alternatives to Regulation:

(33) Identify any reasonable alternatives to the proposed rule(s) that would achieve the same or similar goals. In enumerating your alternatives, please include any statutory amendments that may be necessary to achieve such alternatives.

There are no reasonable alternatives to the proposed rules that have been identified that would achieve the same or similar goals.

(34) Discuss the feasibility of establishing a regulatory program similar to that proposed in the rule(s) that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

The proposed rules are implemented through regulatory agencies at the state level. This bureau is unaware of any private market-based systems which may be utilized by other states.

(35) Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rule(s). This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.

The proposed rules update a current set of regulations and were developed with the assistance of an ad-hoc committee. The committee consisted of representatives from the Bureau of Fire Services, the Bureau of Construction Codes, fire service professionals, architects, and a number of representatives from the Michigan Department of Corrections. No significant alternatives were presented for the bureau and ad-hoc committee to consider.

Additional Information

(36) As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.

The rules will be posted to the Bureau's website upon final approval. The Bureau also has an extensive list of email contacts for architects and engineers that do business in the State of Michigan. A mass

email letter will be sent to those firms on record with the Bureau. The ad-hoc committee also has representatives that will assist in distributing information regarding the new rules.

PART 4: REVIEW BY THE ORR

Date Regulatory Impact Statement (RIS) received:

5-24-2016

Date RIS approved:	June 24, 2016
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ORR assigned rule set number:	2013-087 LR
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Date of disapproval:	Explain:
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More information needed:	Explain:
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(ORR-RIS March 2014)